

REMARKS/ARGUMENTS

Claims 1-10 and 12-36 are pending. Claim 11 has been canceled without prejudice. Claims 1, 7, 14, 15, 18, 20, 27, 29, and 33-36 have been amended. The specification has been amended. No new matter has been introduced. Applicants believe the claims comply with 35 U.S.C. § 112.

Claims 1-6; 7; 15-17; 20, 21, 23-26; 27. 28; and 33-36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by McGuire et al. (USP 6,493,871).

Applicants respectfully submit that independent claim 1 as amended is novel and patentable over McGuire et al. because, for instance, McGuire et al. does not teach or suggest a control program upload server coupled with the stored control program unit; wherein the control program upload server, after receiving and validating the authentication data via Internet to verify authorized access by the stored control program unit, sends a control program update for processing by the stored control program unit.

McGuire et al. at column 8, lines 15-19 states: "It has been code-signed using security system such as Microsoft Corporation's Authenticode, allowing the user to verify its authenticity before execution. It is launched from a selection on a web page." Authenticode in McGuire et al. relates to the code used to verify that the data received from the update setup server by the client is authentic before the client executes the data to issue a download request to the download server. The Authenticode is not used to verify authorized access by the stored control program unit to the control program update.

For at least the foregoing reasons, claim 1 and claims 2-6 depending therefrom are novel and patentable over McGuire et al.

Applicants respectfully assert that independent claim 7 as amended is novel and patentable over McGuire et al. because for instance, McGuire et al. does not disclose or suggest sending authentication data from the maintenance server to the computer system, and using the authentication data to establish a connection between the computer system and the update server. As discussed above, McGuire et al. merely discloses code for verifying that the data received from the update setup server by the client is authentic, not for establishing a connection between

the computer system and the update server. Therefore, claim 7 is novel and patentable over McGuire et al.

Applicants respectfully contend that independent claim 15 as amended is novel and patentable over McGuire et al. because, for instance, McGuire et al. fails to teach or suggest receiving the updated control program from the upload server via the second communication connection, after the authentication data is validated to verify authorization to receive the updated control program. For at least the foregoing reasons, claim 15 and claims 16-17 depending therefrom are novel and patentable over McGuire et al.

Applicants respectfully submit that independent claim 20 as amended is novel and patentable over McGuire et al. because, for instance, McGuire et al. does not disclose or suggest a processor for sending information, comprising an instruction, the file location and the authentication key, to the computer center a via public network, wherein the instruction requests an updated control program from the upload server which is configured to send the updated control program after validating the authentication key to verify authorized access to the updated control program. As discussed above, nothing in McGuire et al. relates to validating the authentication key to verify authorized access to the updated control program. For at least the foregoing reasons, claim 20 and claims 21 and 23-26 depending therefrom are novel and patentable over McGuire et al.

Applicants respectfully assert that independent claim 27 as amended is novel and patentable over McGuire et al. because, for instance, McGuire et al. fails to teach or suggest code for receiving by a download controller the updated control program from the upload server via the second communication connection, after the authentication data is validated to verify authorization to receive the updated control program. Accordingly, claim 27 and claim 28 depending therefrom are novel and patentable over McGuire et al.

Applicants respectfully contend that independent claim 33 as amended is novel and patentable over McGuire et al. because, for instance, McGuire et al. does not teach or suggest means for receiving the updated control program from the upload server via the second connection, after the authentication data is validated to verify authorization to receive the updated control program.

Applicants respectfully submit that independent claim 34 as amended is novel and patentable over McGuire et al. because, for instance, McGuire et al. does not disclose or suggest means for sending information, comprising an instruction, the file location and the authentication key, to the computer center a via public network, wherein the instruction requests the updated control program from the upload server which is configured to send the updated control program after validating the authentication key to verify authorized access to the updated control program.

Applicants respectfully assert that independent claim 35 as amended is novel and patentable over McGuire et al. because, for instance, McGuire et al. fails to disclose or suggest means for validating the authentication data received by the update server from the stored program control unit to verify authorized access to the control program update.

Applicants respectfully submit that independent claim 36 as amended is novel and patentable over McGuire et al. because, for instance, McGuire et al. does not teach or suggest a second portion comprising a server authentication key for access to an upload server having an updated control program, the server authentication key for verifying authorized access to the updated control program.

Claims 8-10 depend from claim 7 and stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McGuire et al. in view of Hodges (USP 6,636,940). The Examiner recognizes that McGuire et al. does not disclose that the software program is a device controller, and cites Hodges for allegedly supplying the missing teaching.

Applicants respectfully contend that claims 8-10 are patentable over McGuire et al. and Hodges because Hodges does not cure the deficiencies of McGuire et al. For example, Hodges also fails to disclose or suggest sending authentication data from the maintenance server to the computer system, and using the authentication data to establish a connection between the computer system and the update server. Thus, claims 8-10 are patentable.

Claim 12 depends from claim 7, and stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McGuire et al. in view of Itoh et al. (USP 6,330,611). The Examiner acknowledges that McGuire et al. fails to teach establishing a file transfer protocol with the update server, and cites Itoh et al. for allegedly disclosing this feature.

Applicants respectfully submit that claim 12 is patentable over McGuire et al. and Itoh et al. because Itoh et al. does not cure the deficiencies of McGuire et al. For example, Itoh et al. does not teach or suggest sending authentication data from the maintenance server to the computer system, and using the authentication data to establish a connection between the computer system and the update server.

Claim 13 depends from claim 7, and stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McGuire et al. in view of Parthasarathy et al. (USP 6,347,871). The Examiner recognizes that McGuire et al. does not teach returning a status of the updating to the maintenance server, and cites Parthasarathy et al. for allegedly supplying the missing teaching.

Applicants respectfully assert that claim 13 is patentable over McGuire et al. and Parthasarathy et al. because Parthasarathy et al. does not cure the deficiencies of McGuire et al. For example, Itoh et al. does not teach or suggest sending authentication data from the maintenance server to the computer system, and using the authentication data to establish a connection between the computer system and the update server.

Claims 14, 18, 19, and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over McGuire et al. in view of Murata et al. (USP 6,505,257). The Examiner acknowledges that McGuire et al. fails to disclose a service processor that sends a file request to the console, and cites Murata et al. for allegedly disclosing the missing feature.

Applicants respectfully submit that independent claim 14 is patentable over McGuire et al. and Murata et al. because, for instance, they do not teach or suggest receiving a file transfer request from the SVP in response to an instruction to update the control program from a maintenance management server, the file comprising the control program; sending the file transfer request to an update server which is separate from the maintenance management server; and receiving the file from the update server without passing through the maintenance management server. In Murata et al., the control program version upgrading process is performed through the maintenance panel (col. 6, lines 25-31). Therefore, claim 14 is patentable.

Applicants respectfully submit that independent claim 18 is patentable over McGuire et al. and Murata et al. because, for instance, they do not teach or suggest receiving the

updated control program from the update server via the Internet connection after the authentication data is validated to verify authorization to receive the updated control program. Murata et al. does not cure the deficiencies of McGuire et al. For at least the foregoing reasons, claim 18 and claim 19 depending therefrom are patentable.

Applicants respectfully submit that independent claim 29 is patentable over McGuire et al. and Murata et al. because, for instance, they do not teach or suggest a maintenance management server for sending an instruction to update the control program, the maintenance management server being separate from the control program upload server; and a remote console download controller coupled with the specialized device controller, the specialized disk controller processing the instruction and instructing the remote console download controller to download the update from the control program upload server via the Internet without passing through the maintenance management server. For at least the foregoing reasons, claim 29 and claims 30-32 depending therefrom are patentable.

Claim 22 depends from claim 20, and stands rejected under 35 U.S.C. § 103(a) as being unpatentable over McGuire et al. in view of Ross et al. (USP 5,553,139). The Examiner acknowledges that McGuire et al. does not disclose a request for product type and product serial number, and cited Ross et al. for allegedly teaching this feature.

Applicants respectfully submit that claim 22 is patentable over McGuire et al. and Ross et al. because Ross et al. does not cure the deficiencies of McGuire et al. For example, Ross et al. also fails to teach or suggest a processor for sending information, comprising an instruction, the file location and the authentication key, to the computer center a via public network, wherein the instruction requests an updated control program from the upload server which is configured to send the updated control program after validating the authentication key to verify authorized access to the updated control program.

Appl. No. 09/775,837
Amdt. dated June 2, 2004
Reply to Office Action of March 1, 2004

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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